

MONTANA LEGISLATIVE HISTORY

Chapter 267 19 47

Bill H 207 S _____ Original bill & history ____C

H. Committee on Highways + Transport

S. Committee on _____

Hearing Date(s) 2-9 or 2-10-47 ____C

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Date Out _____ ____C

Did this bill originate in an interim committee? ____Yes ____No

Committee _____

Report _____

- Selected leg. minutes ^{may be} available
from Historical Society

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ARTICLE IV

Violation of License Provisions

Section 37. Unlawful Use of License. It is a misdemeanor for any person:

Violation of
license
provisions.

1. To display or cause or permit to be displayed or have in his possession any cancelled, revoked, suspended, fictitious, or fraudulently altered operator's or chauffeur's license;

2. To lend his operator's or chauffeur's license to any other person or knowingly permit the use thereof by another;

3. To display or represent as one's own any operator's or chauffeur's license not issued to him;

4. To fail or refuse to surrender to the board upon its lawful demand any operator's or chauffeur's license which has been suspended, revoked or cancelled;

5. To use a false or fictitious name in any application for an operator's or chauffeur's license or to knowingly make a false statement or to knowingly conceal a material fact or otherwise commit a fraud in any such application;

6. To permit any unlawful use of an operator's or chauffeur's license issued to him; or

7. To do any act forbidden or fail to perform any act required by this act.

Section 38. Making False Affidavit Perjury. Any person who makes any false affidavit, or knowingly swears or affirms falsely to any matter or thing required by the terms of this act to be sworn to or affirmed, is guilty of perjury and upon conviction shall be punishable by fine or imprisonment as other persons committing perjury are punishable.

Perjury, and
penalty
therefor.

Section 39. Driving While License Suspended or Revoked. (a) Any person who drives a motor vehicle on any public highway of this state at a time when his privilege so to do is suspended or revoked shall be guilty of a misdemeanor and upon conviction shall be punished by imprisonment for not less than two (2) days nor more than six (6) months and there may be imposed in addi-

Driving while
license is
suspended or
revoked—
penalty for.

(d) References to the opinions of the attorney general except in those cases where the attorney general has held an act unconstitutional or no longer operative.

(e) The noting of all inconsistencies, ambiguities, omissions, contradictions and imperfections in the several sections of the codes and the preparation of new sections for the purpose of correcting and reconciling the same, together with proposals for adoption of new laws including laws prepared by commissioners on uniform laws. That in lieu of the requirements specified in this sub-section the code commissioner shall be required to submit only the laws already prepared by the present commissioner and advisory board created by Chapter 184, Session Laws of Montana of 1945 and which are referred to in their report to this legislative assembly.

(f) The inclusion of the treaty of purchase and cessation of the Louisiana Territory.

Section 5. The requirements for separate indexes for each volume of the code is hereby modified to require only the preparation of a complete general index which, together with the tables of comparative sections, contained in the 1935 code and a table of comparative sections of the 1935 and 1947 codes and the session laws since 1937, shall constitute a single volume.

Section 6. The commissioner is hereby authorized to insert in the new code references to standard legal publications provided that such references can be procured without expense to the state.

Section 7. The code commissioner shall be paid for the performance of his duties a monthly salary of four hundred (\$400.00) dollars, payable monthly.

Section 8. The term of office of the code commissioner shall extend from the date of his appointment until the completion of the Revised Codes of Montana of 1947, including the proof reading thereof, but not later than December 31, 1948.

Section 9. It is hereby declared that this act shall not amend or make any changes in or modifications of said Chapter 184, Session Laws of Montana of 1945, except the specific changes and modifications contained in this act and except also that the powers and duties of the code commissioner and advisory board appointed under the

General index, tables of comparative sections and session laws to constitute single volume.

References to standard legal publication.

Salary of commissioner.

Term of office.

Construction of act in relation to Ch. 184, Laws of 1945.

provisions of said Chapter 184 shall cease upon the appointment of the code commissioner provided for by this act. The appropriation of money made by Section 10 of said Chapter 184 shall continue in force and effect for the remainder of the period for which said appropriation was made and shall be applicable to the payment of the salary of the code commissioner and assistants from the date of the approval of this act until June 30, 1947, on which date the unexpended portion of the appropriation shall revert to the general fund.

Section 10. To carry out the provisions of this act and to pay the salaries and other expenses herein authorized there is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of eight thousand (\$8,000.00) dollars for the fiscal year beginning July 1, 1947, and ending June 30, 1948, and the sum of four thousand (\$4,000.00) dollars for the fiscal year beginning July 1, 1948, and extending until December 31, 1948. All salaries and expenses authorized by this act shall be paid upon claims approved by the supreme court.

Section 11. This act and the appropriation herein provided for shall be deemed and held valid notwithstanding the provisions of the state budget act.

Section 12. All acts and parts of acts in conflict herewith are hereby repealed.

Section 13. This act shall take effect immediately upon its passage and approval.

Approved March 10, 1947.

Appropriation.

Claims.

State budget act not applicable.

Repealing clause.

Effective date.

CHAPTER 267

An Act Creating a Drivers' Examination Section of the Montana Highway Patrol and Relating to the Licensing of Persons Operating Motor Vehicles Upon Highways In the State of Montana, to Make Uniform the Law Relating Thereto and to Be Known As the Montana Uniform Motor Vehicle Operators and Chauffeurs License Act; Defining Motor Vehicles and Other Terms Used Herein, Providing For the Issuance of Operators and Chauffeurs Licenses, and Defining What Persons May Receive Such Licenses; Exempting Certain Persons From Such Licenses, Classifying Chauffeurs Li-

censes, Providing For the Issuance of Instruction Permits and Temporary Licenses and the Application Therefor; Providing For the Method of Application For Licenses For Minors By the Parents, Guardian or Other Responsible Person and Providing For the Liability of Such Parents, Guardian or Other Person In Certain Instances; Providing For the Release From Liability By Such Parents, Guardian or Other Person and For the Cancellation of the License of the Minor; Providing For the Examination of Applicants for licenses and For the Issuance of Licenses Without Examination In Certain Cases; Providing For the Issuance and Sale of Operators and Chauffeurs Licenses, Restricted Licenses, Instruction Permits, Temporary Licenses, Duplicate Licenses and Permits, and Providing What Such Licenses Shall Contain, When They Shall Be Carried and How They Shall Be Exhibited; Providing For the Expiration of Such Licenses and For Notice of Change of Address or Name; Providing What Records Shall Be Kept By the Montana Highway Patrol; Providing For the Cancellation, Suspension or Revocation of Licenses and Permits By the Montana Highway Patrol and For the Period of Such Suspension or Revocation and the Surrender and Return of Such Licenses; Defining Violations of This Act and Penalties Therefor; Providing For the Right of Appeal From the Denial, Cancellation, Suspension or Revocation of Such Licenses to the District Court; Providing For the Effect of the Unconstitutionality of Any Part or Parts of This Act and Repealing All Acts or Parts of Acts In Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

ARTICLE I

Section 1. There is hereby created a Drivers' Examination Section of the Montana Highway Patrol, under the direct control and supervision of the Montana Highway Patrol Board. Said board shall maintain a permanent place of business at the state capitol and shall meet at least once each month for the purpose of transacting business either as the drivers' examining board, the highway patrol board, or jointly for the two. The board shall select a chief examiner and as many examiners as it deems necessary and shall provide for the necessary clerical help.

Drivers' examination section of Montana highway patrol board, creation of, place of business, meetings.

Chief examiner and examiners.

The chief examiner and all examiners shall have the same qualifications as are required for members of the Montana highway patrol. The chief examiner shall rank as an assistant supervisor and the examiners shall rank as patrolmen.

Qualifications of.

Rank of chief examiner.

WORDS AND PHRASES DEFINED

Section 2. **Definitions.** The following words and phrases when used in this act shall, for the purpose of this act, have the meanings respectively ascribed to them in this article.

Words and phrases, definition of.

Section 3. (a) **Vehicle.** Every device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks.

"Vehicle."

(b) **Motor Vehicle.** Every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

"Motor vehicle."

(c) **Farm Tractor.** Every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

"Farm tractor."

(d) **School Bus.** Every motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school or privately owned and operated for compensation for the transportation of children to or from school.

"School bus."

Section 4. (a) **Person.** Every natural person, firm, copartnership, association, or corporation.

"Person."

(b) **Operator.** Every person, other than a chauffeur, who drives or is in actual physical control of a motor vehicle upon a highway or who is exercising control over or steering a vehicle being towed by a motor vehicle.

"Operator."

(c) **Chauffeur.** Every person who is employed by another for the principal purpose of driving a motor vehicle and every person who drives a school bus transporting school children or any motor vehicle when in use for the transportation of persons or property for compensation, but shall not include persons driving farm trucks or hauling farm products for producers of said farm products.

"Chauffeur."

"Owner."

(d) **Owner.** A person who holds the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with the immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this act.

"Non-resident."

Section 5. **Non-resident.** Every person who is not a resident of this state.

"Street or highway."

Section 6. **Street or Highway.** The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

"Supervisor."

Section 7. (a) **Supervisor.** The supervisor of the Montana highway patrol.

"Board."

(b) **Board.** The Montana highway patrol board acting directly or through its duly authorized officers or agents.

"Suspension."

Section 8. **Suspension, Revocation, and Cancellation.** (a) Suspension means that the driver's license and privilege to drive a motor vehicle on the public highways are temporarily withdrawn but only during the period of such suspension.

"Revocation."

(b) Revocation means that the driver's license and privilege to drive a motor vehicle on the public highways are terminated and shall not be renewed or restored, except that an application for a new license may be presented and acted upon by the board after the expiration of at least one (1) year after date of revocation.

"Cancellation."

(c) Cancellation means that a driver's license is annulled and terminated because of some error or defect or because the licensee is no longer entitled to such license, but the cancellation of a license is without prejudice and application for a new license may be made at any time after such cancellation.

ARTICLE II

Issuance of Licenses, Expiration, and Renewal.

Section 9. Operators and Chauffeurs Must Be Licensed.

(a) No person, except those hereinafter expressly exempted, shall drive any motor vehicle upon a highway in this state unless such person has a valid license as an operator or chauffeur under the provisions of this act. No person shall drive a motor vehicle as a chauffeur unless he holds a valid chauffeur's license. No person shall receive a chauffeur's license unless and until he surrenders to the board any operator's license issued to him or an affidavit that he does not possess an operator's license.

Operators and chauffeurs must be licensed.

(b) Any person holding a valid chauffeur's license hereunder need not procure an operator's license.

Section 10. **What Persons Are Exempt From License.** The following persons are exempt from license hereunder:

Persons exempted.

1. Any person while operating a motor vehicle in the service of the Army, Navy, or Marine Corps of the United States;

Persons in army, navy or marine corps.

2. Any person while driving or operating any road machine, farm tractor, or implement of husbandry temporarily operated or moved on a highway.

Operators of road machinery, farm tractors temporarily operated on highway.

3. A non-resident who is at least fifteen (15) years of age and who has in his immediate possession a valid operator's license issued to him in his home state or country may operate a motor vehicle in this state only as an operator;

Non-residents, under certain conditions.

4. A non-resident who is at least eighteen (18) years of age and who has in his immediate possession a valid chauffeur's license issued to him in his home state or country may operate a motor vehicle in this state either as an operator or chauffeur subject to the age limits applicable to chauffeurs in this state except that any such person must be licensed as chauffeur hereunder before accepting employment as a chauffeur from a resident of this state;

Non-residents possessing chauffeur's license issued in home state.

5. Any non-resident who is at least eighteen (18) years of age, whose home state or country does not require the licensing of operators, may operate a motor vehicle as an operator only, for a period of not more than ninety (90) days in any calendar year, if the motor vehicle so operated is duly registered in the home state or country of such non-resident.

Non-residents whose home states require no license.

Section 11. **What Persons Shall Not Be Licensed.** The board shall not issue any license hereunder:

What persons shall not be licensed.

Person under age of 15 years.

1. To any person, as an operator, who is under the age of fifteen (15) years, except that the board may issue a restricted license as hereinafter provided to any person who is at least thirteen (13) years of age;

Person under age of 18 years, in certain cases.

2. To any person, as a chauffeur, employed by another for the principal purpose of driving a motor vehicle when in use exclusively for the transportation of property for compensation, who is under the age of eighteen (18) years, nor to any person, as a chauffeur, who is employed by another for the principal purpose of driving a motor vehicle transporting passengers for hire or transporting school children, who is under the age of twenty-one (21) years;

Person under 21 years, when.

To person whose license is under suspension or revocation.

3. To any person, as an operator or chauffeur, whose license has been suspended during such suspension, nor to any person whose license has been revoked, except as provided in Section 33 of this act;

Habitual drunkard or drug addict.

4. To any person, as an operator or chauffeur, who is an habitual drunkard, or is addicted to the use of narcotic drugs;

Person suffering from mental disability or disease.

5. To any person, as an operator or chauffeur, who has previously been adjudged to be afflicted with or suffering from any mental disability or disease and who has not at the time of application been restored to competency by the methods provided by law;

Person required to take examination but has not done so.

6. To any person, as an operator or chauffeur, who is required by this act to take an examination, unless such person shall have successfully passed such examination;

Person required to deposit, but who has not deposited, proof of financial responsibility.

7. To any person who is required under the provisions of the motor-vehicle financial responsibility laws of this state to deposit proof of financial responsibility and who has not deposited such proof.

Classification of chauffeurs.

Section 12. Classification of Chauffeurs—Special Restrictions. (a) The board upon issuing a chauffeur's license shall indicate thereon the class of license so issued and shall appropriately examine each applicant according to the class of license applied for and may impose such rules and regulations for the exercise thereof as it may deem necessary for the safety and welfare of the traveling public.

(b) No person who is under the age of twenty-one (21) years shall drive any school bus transporting school children or any motor vehicle when in use for the transportation of persons for compensation nor in either event until he has been licensed as a chauffeur for either such purpose and the license so indicates. The board shall not issue a chauffeur's license for either such purpose unless the applicant has had at least one (1) year of driving experience prior thereto and has filed with the board one (1) or more certificates signed by a total of at least three (3) responsible people to whom he is well known certifying as to his good character and habits and the board is fully satisfied as to the applicant's competency and fitness to be employed.

Special restrictions, applicable to licenses to drivers of school buses or motor vehicles for transportation of persons for hire.

Section 13. Instruction Permits and Temporary Licenses. (a) Any person who is at least fourteen (14) years of age may apply to the board for an instruction permit. The board may in its discretion, after the applicant has successfully passed all parts of the examination other than the driving test, issue to the applicant an instruction permit which shall entitle the applicant while having such permit in his immediate possession to drive a motor vehicle upon the public highways for a period of sixty (60) days when accompanied by a licensed operator or chauffeur who is occupying a seat beside the driver, except in the event the permittee is operating a motorcycle. Any such instruction permit may be renewed or a new permit issued for an additional period of ninety (90) days.

Instruction permits and temporary licenses.

(b) The board upon receiving proper application may in its discretion issue a restricted instruction permit effective for a school year or more restricted period to an applicant who is enrolled in a driver-training program approved by the board even though the applicant has not reached the legal age to be eligible for an operator's license. Such instruction permit shall entitle the permittee when he has such a permit in his immediate possession to operate a motor vehicle only on a designated highway or within a designated area but only when an approved instructor is occupying a seat beside the permittee.

Restricted instruction permit.

(c) The board may in its discretion issue a temporary driver's permit to an applicant for an operator's license permitting him to operate a motor vehicle while the board

Temporary driver's permit.

is completing its investigation and determination of all facts relative to such applicant's right to receive an operator's license. Such permit must be in his immediate possession while operating a motor vehicle, and it shall be invalid when the applicant's license has been issued or for good cause has been refused.

Section 14. Application for License or Instruction Permit. (a) Every application for an instruction permit or for an operator's or chauffeur's license shall be made upon a form furnished by the board. Every application shall be accompanied by the proper fee and payment of such fee shall entitle the applicant to not more than three attempts to pass the examination within a period of 6 months from the date of application.

(b) Every such application shall state the full name, date of birth, sex, and residence address of the applicant, and briefly describe the applicant, and shall state whether the applicant has theretofore been licensed as an operator or chauffeur, and, if so, when and by what state or country, and whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for such suspension, revocation, or refusal.

Section 15. Application of Minors. (a) The application of any person under the age of eighteen (18) years for an instruction permit or operator's license shall be signed and verified before a person authorized to administer oaths by both the father and mother of the applicant, if both are living and have custody of him, or in the event neither parent is living then by the person or guardian having such custody or by an employer of such minor, or in the event there is no guardian or employer then by other responsible person who is willing to assume the obligation imposed under this act upon a person signing the application of a minor.

(b) Any negligence or wilful misconduct of a minor under the age of eighteen (18) years when driving a motor vehicle upon a highway shall be imputed to a person who has signed the application of such minor for a permit or license, which person shall be jointly and severally liable with such minor for any damages caused by such negligence or wilful misconduct (except as otherwise provided in sub-paragraph (c) of this section.

Application for license or instruction permit.

Information required.

Application of minors.

Imputation of negligence of minor driver to and liability of person who signed the application of such minor.

(c) In the event a minor deposits or there is deposited upon his behalf proof of financial responsibility in respect to the operation of a motor vehicle owned by him, or if not the owner of a motor vehicle, then with respect to the operation of any motor vehicle, in form and in amounts as required under the motor-vehicle financial responsibility laws of this state, then the board may accept the application of such minor when signed by one parent or the guardian of such minor, and while such proof is maintained such parent or guardian shall not be subject to the liability imposed under sub-paragraph (b) of this section.

Deposit of proof of financial responsibility discharges liability of parent or guardian of minor.

Section 16. Release From Liability. Any person who has signed the application of a minor for a license may thereafter file with the board a verified written request that the license of said minor so granted be cancelled. Thereupon the board shall cancel the license of said minor and the person who signed the application of such minor shall be relieved from the liability imposed under this act by reason of having signed such application on account of any subsequent negligence or wilful misconduct of such minor in operating a motor vehicle.

Release from liability of person signing application of minor.

Section 17. Cancellation of License Upon Death of Person Signing Minor's Application. The board upon receipt of satisfactory evidence of the death of the persons who signed the application of a minor for a license shall cancel such license and shall not issue a new license until such time as a new application, duly signed and verified, is made as required by this act. This provision shall not apply in the event the minor has attained the age of eighteen (18) years.

Cancellation of license upon death of person signing minor's application.

Section 18. Examination of Applicants. (a) The board shall examine every applicant for an operator's or chauffeur's license, except as otherwise provided in this section. Such examination shall include a test of the applicant's eyesight, his ability to read and understand highway signs regulating, warning, and directing traffic, his knowledge of the traffic laws of this state, and shall include an actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle. The board shall make provision for giving an examination either in the county where the applicant resides or at a place adjacent thereto reasonably conven-

Examination of applicants.

ient to the applicant within not more than thirty (30) days from the date the application is received.

Issuance of license without examination, under stated conditions.

(b) The board shall issue without examination an operator's license to any person applying therefor within six (6) months after this section takes effect who furnishes evidence satisfactory to the board that he is not disqualified under the provisions of this act and that he has previously operated a motor vehicle in a satisfactory manner for a period of not less than one (1) year.

Section 19. Licenses Issued to Operators and Chauffeurs.

(a) The highway patrol board shall have the authority to appoint county treasurers and other qualified officers to act as its agent or agents for the sale of driver's licenses, and shall make necessary rules and regulations governing such sales. The board shall, upon the payment of one dollar and fifty cents (\$1.50), issue to every applicant qualifying therefor, an operator's or chauffeur's license as applied for, which license shall be purchased annually on or before January 1 and shall expire on December 31 of the same year and shall bear thereon a distinguishing number issued to the licensee, the full name, date of birth, residence address and a brief description of the licensee and either a facsimile of the signature of the licensee or a space upon which he shall write his signature in pen and ink, immediately upon receipt of the license. No license shall be valid until it has been so signed by the licensee.

(b) Whenever the board issues an original license to a person under the age of 21 years such license shall be designated and clearly marked as a "provisional license." Upon renewal as applicable to operator's licenses the board may for reasonable cause as shown by its records designate the renewal of the license as provisional, otherwise a license in usual form shall be issued subject to other provisions of this act.

Section 20. License to Be Carried and Exhibited on Demand. Every licensee shall have his operator's or chauffeur's license in his immediate possession at all times when operating a motor vehicle and shall display the same upon demand of a justice of the peace, a peace officer, a highway patrolman, or a field deputy or inspector of the board. However, no person charged with violating this section shall be convicted if he produces in court or the

Appointment of agents for the sale of driver's licenses.

License fee.

Term of license.

Contents.

Designation of provisional license.

License to be carried and exhibited on demand.

office of the arresting officer an operator's or chauffeur's license theretofore issued to him and valid at the time of his arrest.

Section 21. **Restricted Licenses.** (a) The board upon issuing an operator's or chauffeur's license shall have authority whenever good cause appears to impose restrictions suitable to the licensee's driving ability with respect to the type of or special mechanical control devices required on a motor vehicle which the licensee may operate or such other restrictions applicable to the licensee as the board may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee.

Restricted licenses.

(b) The board may either issue a special restricted license or may set forth such restrictions upon the usual license form.

Form of.

(c) The board may upon receiving satisfactory evidence of any violation of the restrictions of such license suspend or revoke the same but the licensee shall be entitled to a hearing as upon suspension or revocation under this act.

Suspension or revocation of restricted license.

(d) It is a misdemeanor for any person to operate a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to him.

Violation constitutes a misdemeanor.

Section 22. **Duplicate Certificates.** In the event that an instruction permit or operator's or chauffeur's license issued under the provisions of this act is lost or destroyed, the person to whom the same was issued may, upon the payment of a fee of twenty-five cents (25c), obtain a duplicate, or substitute thereof, upon furnishing proof satisfactory to the board that such permit or license has been lost or destroyed.

Duplicate permit or license.

Section 23. **Expiration of License.** (a) Every operator's license shall expire December thirty-first, following the issuance of such license. Every such license shall be renewable on or before its expiration upon application (and payment of the required fee).

Expiration of operator's license.

(b) Every chauffeur's license shall expire December 31 each year and shall be renewable on or before its expiration date upon application and payment of the required fee. The board may in its discretion require an examination of the applicant for renewal as upon an original application.

Expiration of chauffeur's license.

Notice of
change of
address or
name.

Section 24. Notice of Change of Address or Name. Whenever any person after applying for or receiving an operator's or chauffeur's license shall move from the address named in such application or in the license issued to him or when the name of a licensee is changed by marriage or otherwise such person shall within ten (10) days thereafter notify the board in writing of his old and new addresses or of such former and new names and of the number of any license then held by him.

Records to be
kept by board.

Section 25. Records to Be Kept by the Board. (a) The board shall file every application for a license received by it and shall maintain suitable indexes containing, in alphabetical order:

1. All applications denied and on each thereof note the reasons for such denial;
2. All applications granted; and
3. The name of every licensee whose license has been suspended or revoked by the board and after each such name note the reasons for such action.

Accident
reports and
abstracts of
court convic-
tions.

(b) The board shall also file all accident reports and abstracts of court records of convictions received by it under the laws of this state and in connection therewith maintain convenient records or make suitable notations in order that an individual record of each licensee showing the convictions of such licensee and the traffic accidents in which he has been involved shall be readily ascertainable and available for the consideration of the board upon any application for renewal of license and at other suitable times.

ARTICLE III

Cancellation, Suspension, or Revocation of Licenses

Cancellation
of licenses.

Section 26. Authority of Board to Cancel Licenses.

(a) The board is hereby authorized to cancel any operator's or chauffeur's license upon determining that the licensee was not entitled to the issuance thereof hereunder or that said licensee failed to give the required or correct information in his application or committed any fraud in making such application.

Surrender of
cancelled
license.

(b) Upon such cancellation, the licensee must surrender the license so cancelled to the board.

Section 27. Suspending Privileges of Non-residents and Reporting Convictions. (a) The privilege of driving a motor vehicle on the highways of this state given to a non-resident hereunder shall be subject to suspension or revocation by the board in like manner and for like causes as an operator's or chauffeur's license issued hereunder may be suspended or revoked.

Suspension or
revocation of
privilege given
a non-resident.

(b) The board is further authorized, upon receiving a record of the conviction in this state of a non-resident driver of a motor vehicle of any offense under the motor-vehicle laws of this state, to forward a certified copy of such record to the motor vehicle administrator in the state wherein the person so convicted is a resident.

Conviction of
non-resident
driver, certified
copy of record
may be for-
warded to
home state.

Section 28. Suspending Resident's License Upon Conviction in Another State. The board is authorized to suspend or revoke the license of any resident of this state or the privilege of a non-resident to drive a motor vehicle in this state upon receiving notice of the conviction of such person in another state of an offense therein which, if committed in this state, would be grounds for the suspension or revocation of the license of an operator or chauffeur.

Suspending
resident's
license upon
conviction in
another state.

Section 29. When Court to Forward License to Board and Report Convictions. (a) Whenever any person is convicted of any offense for which this act makes mandatory the revocation of the operator's or chauffeur's license of such person by the board, the court in which such conviction is had shall require the surrender to it of all operator's and chauffeur's licenses then held by the person so convicted and the court shall thereupon forward said licenses to the board and at the same time forward a record of such conviction to the board and to the registrar of motor vehicles.

License of
person convict-
ed and record
of conviction
to be forward-
ed by court to
the board.

(b) Every court having jurisdiction over offenses committed under this act, or any other act of this state or municipal ordinance regulating the operation of motor vehicles on highways, shall forward to the board a record of the conviction of any person in said court for a violation of any said laws other than regulations governing standing or parking, and may recommend the suspension of the operator's or chauffeur's license of the person so convicted.

Courts having
jurisdiction
to forward to
board a record
of convictions.

(c) For the purposes of this act the term "conviction" shall mean a final conviction. Also, for the purposes of

"Conviction,"
meaning of.

Forfeiture
of bail to
be reported
to board.

this act a forfeiture of bail or collateral deposited to secure a defendant's appearance in court, which forfeiture has not been vacated, shall be reported to the board by the court having jurisdiction.

Offenses for
which revoca-
tion of license
is mandatory.

Section 30. Mandatory Revocation of License by Board. The board shall forthwith revoke the license of any operator or chauffeur upon receiving a record of such operator's or chauffeur's conviction of any of the following offenses, when such conviction has become final:

1. Manslaughter resulting from the operation of a motor vehicle;
2. Driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug;
3. Any felony in the commission of which a motor vehicle is used;
4. Failure to stop and render aid as required under the laws of this state in the event of a motor-vehicle accident resulting in the death or personal injury of another;
5. Perjury or the making of a false affidavit or statement under oath to the board under this act or under any other law relating to the ownership or operation of motor vehicles;
6. Conviction, or forfeiture of bail not vacated, upon three (3) charges of reckless driving committed within a period of twelve (12) months.

Grounds for
suspension or
revocation of
license.

Section 31. Authority to Board to Suspend or Revoke License. (a) The board is hereby authorized to suspend the license of an operator or chauffeur without preliminary hearing upon a showing by its records or other sufficient evidence that the licensee:

1. Has committed an offense for which mandatory revocation of license is required upon conviction;
2. Has been involved as a driver in any accident resulting in the death or personal injury of another or serious property damage;
3. Has been convicted with such frequency of serious offenses against traffic regulations governing the movement of vehicles as to indicate a disrespect for traffic laws and a disregard for the safety of other persons on the highways;

4. Is an habitually reckless or negligent driver of a motor vehicle;
5. Is incompetent to drive a motor vehicle;
6. Has permitted an unlawful or fraudulent use of such license; or
7. Has committed an offense in another state which if committed in this state would be grounds for suspension or revocation.

(b) Upon suspending the license of any person as hereinbefore in this section authorized, the board shall immediately notify the licensee in writing and upon his request shall afford him an opportunity for a hearing as early as practical within not to exceed twenty (20) days after receipt of such request in the county wherein the licensee resides unless the board and the licensee agree that such hearing may be held in some other county. Upon such hearing the supervisor or his duly authorized agent may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require a re-examination of the licensee. Upon such hearing the board shall either rescind its order of suspension, or, good cause appearing therefor, may extend the suspension of such license or revoke such license and upon revocation the board shall forthwith notify the registrar of motor vehicles.

Procedure
upon suspension
of license.

Section 32. Board May Require Re-examination. The board having good cause to believe that a licensed operator or chauffeur is incompetent or otherwise not qualified to be licensed, may upon written notice of at least five (5) days to the licensee require him to submit to an examination. Upon the conclusion of such examination the board shall take action as may be appropriate and may suspend or revoke the license of such person or permit him to retain such license, or may issue a license subject to restrictions as permitted under Section 21 of this act. Refusal or neglect of the licensee to submit to such examination shall be ground for suspension or revocation of his license.

Board may
require re-
examination.

Section 33. Period of Suspension or Revocation. (a) The board shall not suspend a driver's license or privilege to drive a motor vehicle on the public highways for a period of more than one (1) year, except as permitted under Section 39 of this act.

Period of
suspension.

Revocation
—issuance of
new license.

(b) Any person whose license or privilege to drive a motor vehicle on the public highways has been revoked shall not be entitled to have such license or privilege renewed or restored unless the revocation was for a cause which has been removed, except that after the expiration of one (1) year from the date on which the revoked license was surrendered to and received by the board such person may make application for a new license as provided by law, but the board shall not then issue a new license unless and until it is satisfied after investigation of character, habits, and driving ability of such person that it will be safe to grant the privilege of driving a motor vehicle on the public highways.

Suspended or
revoked license
to be sur-
rendered to
board.

Section 34. Surrender and Return of License. The board upon suspending or revoking a license shall require that such license shall be surrendered to and be retained by the board except that at the end of the period of suspension such license so surrendered shall be returned to the licensee.

Suspension or
revocation of
non-resident's
right to
operate
vehicle in
this state.

Section 35. No Operation Under Foreign License During Suspension or Revocation in This State. Any resident or non-resident whose operator's or chauffeur's license or right or privilege to operate a motor vehicle in this state has been suspended or revoked as provided in this act shall not operate a motor vehicle in this state under a license, permit, or registration certificate issued by any other jurisdiction or otherwise during such suspension or after such revocation until a new license is obtained when and as permitted under this act.

Right of appeal
to district
court.

Section 36. Right of Appeal to Court. Any person denied a license or whose license has been cancelled, suspended, or revoked by the board except where such cancellation or revocation is mandatory under the provisions of this act shall have the right to file a petition within thirty (30) days thereafter for a hearing in the matter in the district court in the county wherein such person shall reside and such court is hereby vested with jurisdiction and it shall be its duty to set the matter for hearing upon thirty (30) days' written notice to the board, and thereupon to take testimony and examine into the facts of the case and to determine whether the petitioner is entitled to a license or is subject to suspension, cancellation, or revocation of license under the provisions of this act.

ARTICLE IV

Violation of License Provisions

Section 37. Unlawful Use of License. It is a misdemeanor for any person:

Violation of
license
provisions.

1. To display or cause or permit to be displayed or have in his possession any cancelled, revoked, suspended, fictitious, or fraudulently altered operator's or chauffeur's license;
2. To lend his operator's or chauffeur's license to any other person or knowingly permit the use thereof by another;
3. To display or represent as one's own any operator's or chauffeur's license not issued to him;
4. To fail or refuse to surrender to the board upon its lawful demand any operator's or chauffeur's license which has been suspended, revoked or cancelled;
5. To use a false or fictitious name in any application for an operator's or chauffeur's license or to knowingly make a false statement or to knowingly conceal a material fact or otherwise commit a fraud in any such application;
6. To permit any unlawful use of an operator's or chauffeur's license issued to him; or
7. To do any act forbidden or fail to perform any act required by this act.

Section 38. Making False Affidavit Perjury. Any person who makes any false affidavit, or knowingly swears or affirms falsely to any matter or thing required by the terms of this act to be sworn to or affirmed, is guilty of perjury and upon conviction shall be punishable by fine or imprisonment as other persons committing perjury are punishable.

Perjury, and
penalty
therefor.

Section 39. Driving While License Suspended or Revoked. (a) Any person who drives a motor vehicle on any public highway of this state at a time when his privilege so to do is suspended or revoked shall be guilty of a misdemeanor and upon conviction shall be punished by imprisonment for not less than two (2) days nor more than six (6) months and there may be imposed in addi-

Driving while
license is
suspended or
revoked—
penalty for.

tion thereto a fine of not more than five hundred dollars (\$500.00).

Upon conviction on charge of violation of this section, authority of board to impose further penalties.

(b) The board upon receiving a record of the conviction of any person under this section upon a charge of driving a vehicle while the license of such person was suspended shall extend the period of such suspension for an additional like period and if the conviction was upon a charge of driving while a license was revoked the board shall not issue a new license for an additional period of one (1) year from and after the date such person would otherwise have been entitled to apply for a new license.

Permitting unlicensed minor to drive forbidden.

Section 40. Permitting Unauthorized Minor to Drive. No person shall cause or knowingly permit his child or ward under the age of eighteen (18) years to drive a motor vehicle upon any highway when such minor is not authorized hereunder or in violation of any of the provisions of this act.

Employment of unlicensed chauffeur.

Section 41. Employing Unlicensed Chauffeur. No person shall employ as a chauffeur of a motor vehicle any person not then licensed as provided by this act.

Renting motor vehicle to another.

Section 42. Renting Motor Vehicle to Another. (a) No person shall rent a motor vehicle to any other person unless the latter person is then duly licensed hereunder or, in the case of a non-resident, then duly licensed under the laws of the state or country of his residence except a non-resident whose home state or country does not require that an operator be licensed.

Inspection of operator's or chauffeur's license, before renting car to such person.

(b) No person shall rent a motor vehicle to another until he has inspected the operator's or chauffeur's license of the person to whom the vehicle is to be rented and compared and verified the signature thereon with the signature of such person written in his presence.

Duty of person renting a motor vehicle to another.

(c) Every person renting a motor vehicle to another shall keep a record of the registration number of the motor vehicle so rented, the name and address of the person to whom the vehicle is rented, the number of the license of said latter person and the date and place when and where said license was issued. Such record shall be open to inspection by any police officer or officer or employee of the board.

ARTICLE V

Penalties

Section 43. Penalty for Misdemeanor. (a) It is a misdemeanor for any person to violate any of the provisions of this act unless such violation is by this act or other law of this state declared to be a felony.

Violation of act, constitutes misdemeanor.

(b) Unless another penalty is in this act or by the laws of this state provided, every person convicted of a misdemeanor for the violation of any provision of this act shall be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for not more than six (6) months, or by both such fine and imprisonment.

Penalty.

ARTICLE VI

Effect of and Short Title of Act

Section 44. Uniformity of Interpretation. This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

Construction of act.

Section 45. Short Title. This act may be cited as the Uniform Motor - Vehicle Operators' and Chauffeurs' License Act.

Short title of act.

Section 46. Constitutionality. If any part or parts of this act shall be held to be unconstitutional such unconstitutionality shall not affect the validity of the remaining parts of this act. The legislature hereby declares that it would have passed the remaining parts of this act if it had known that such part or parts thereof would be declared unconstitutional.

Constitutionality of act.

Section 47. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved March 10, 1947.

CHAPTER 268

An Act to Amend Section 1415, Revised Codes of Montana, 1935, Relating to Superintendent and Assistant Superintendent of the Montana State Hospital; to Provide That the Superintendent Be a Competent and